

EFFECTIVE DATE: February 6, 2017

PROGRAM POLICY LETTER NO. P17-IV-01

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Mine Safety and Health

SUBJECT: Suspended Loads (30 C.F.R. §§ 56/57.16009)

Scope

This Program Policy Letter (PPL) applies to surface and underground metal and nonmetal mine operators, contractors, equipment manufacturers, miners, miners' representatives, and Metal and Nonmetal Mine Safety and Health enforcement personnel.

Purpose

The purpose of this PPL is to clarify compliance with suspended loads, as required under 30 C.F.R. §§ 56/57.16009, and enhance consistency and protection of miners.

Policy

MSHA standards at 30 C.F.R. §§ 56/57.16009 require that persons stay clear of suspended loads. The purpose of this standard is to avoid the hazard caused if a load were to fall in an area where miners are present. MSHA interprets the term "load" to include equipment or rigging that is attached to the crane wire rope for the purpose of facilitating the hoisting of materials, such as spreader bars, load blocks, ropes, slings, shackles, and any other ancillary attachment ("load-attaching equipment"). Such equipment has the potential to fall and harm miners. Thus, MSHA's interpretation of §§ 56/57.16009 requires that persons generally must stay clear of load-attaching equipment.

MSHA recognizes, however, that it is occasionally necessary for miners, including riggers, to stand near load-attaching equipment in order to attach and detach this equipment to the object or materials being hoisted. When miners (including riggers) are involved in the attachment of

objects or materials to the load-attaching equipment or are detaching the load, MSHA will not issue a §§ 56/57.16009 citation for failure to stay clear of the load-attaching equipment if adequate measures are in place to protect miners from hazards associated with load-attaching equipment during these processes. MSHA believes that such an interpretation is consistent with the standard and its protective purpose.

In determining whether adequate measures are being taken during the rigging and detaching processes, MSHA looks to the Occupational Safety and Health Administration's (OSHA's) suspended load standard, 29 C.F.R. § 1926.1425 (c)(1-3), which states that:

- (1) The materials being hoisted must be rigged to prevent unintentional displacement.
- (2) Hooks with self-closing latches or their equivalent must be used. Exception: "J" hooks are permitted to be used for setting wooden trusses.
- (3) The materials must be rigged by a qualified rigger.

In addition, the attachment equipment should be rated for overhead lifting, rated appropriately for the load to be hoisted, used in accordance with manufacturer instructions, in good repair, and mechanically locked or secured to the crane wire rope. MSHA will evaluate each situation in light of the above factors (and any others that may introduce a hazard). If the only activity at issue involves miners (including riggers) working near load-attaching equipment in order to attach and detach this equipment from the object or materials being hoisted, and if MSHA determines that miners are not exposed to a foreseeable risk of being struck by load-attaching equipment, MSHA does not intend to cite under §§ 56/57.16009.

Background

This policy letter clarifies the Agency's application of 30 C.F.R. §§ 56/57.16009, Suspended loads. Operators and contractors have raised questions about the application of 30 C.F.R. §§ 56/57.16009 as it relates to work at metal and nonmetal mine sites.

The types of equipment and techniques used to lift loads in mines are similar to those used in other workplaces. MSHA's interpretation of the term "load" is consistent with industry usage and with OSHA's definition of load. "Load" is defined by OSHA at 29 C.F.R. § 1926.1401 Definitions: "Load refers to the object(s) being hoisted and/or the weight of the object(s); both uses refer to the object(s) and the load-attaching equipment, such as, the load block, ropes, slings, shackles, and any other ancillary attachment."

The Commission has recognized that “the hazard against which the standard is directed is that of a person being struck by a hanging load.” *Haines & Kibblehouse, Inc.*, 30 FMSHRC 504, 517 (June 2008) (ALJ); *see also Dawes Rigging & Crane Rental*, 36 FMSHRC 3075, 3078 (Dec. 2014).

Authority

The Federal Mine Safety and Health Act of 1977, as amended; 30 U.S.C. § 801 et seq.; 30 C.F.R. §§ 56/57.16009.

Internet Availability

The PPL may be viewed on the internet by accessing MSHA’s home page at <http://www.msha.gov>, and then choosing “Regulations”, “Policy and Procedures”, and “Program Policy Letters.”

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